

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS'  
CONCUSSION INJURY LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

THIS DOCUMENT RELATES TO:

FERNANDO SMITH, PLAINTIFF

Case No. 2:12-cv-06774-AB

**PETITION TO ESTABLISH ATTORNEYS' LIEN**

NOW COMES Petitioner, Wendy R. Fleishman, Esquire for Lieff Cabraser Heimann & Bernstein, LLP ("LCHB") pursuant to an executed retained agreement, and states:

1. Petitioners are attorneys at law admitted to practice before the Courts of the Commonwealth of Pennsylvania, and this federal district court, and file this Petition to establish a lien for attorneys' fees and expenses as forth hereinafter.

2. Petitioners were retained by the Plaintiff, Fernando Smith (the "Client" or the "Plaintiff"), pursuant to a contingent fee agreement, to pursue a claim for injuries and damages against the National Football League (the "NFL"), and any other entities who are or may be legally liable or responsible, in whole or in part, for injuries incurred by the Plaintiff as a result of head injuries and concussions sustained while playing professional football in the NFL.

3. When Petitioner entered into contract with the Plaintiff, Petitioner entered into the risk and expense of the litigation before any settlement discussions had been held.

4. On June 25, 2014, after the Petitioner concluded the work outlined in ¶ 5, and after arranging both neurological and neuropsychological testing for Mr. Smith and arranging for

transportation and accommodations, Petitioner received an email from Mr. Smith, that Plaintiff is represented by a different lawyer in this matter.

5. The Petitioner was not terminated by the Plaintiff for cause nor due to any malfeasance or other improper action on the part of the Petitioner.

WHEREFORE, the Petitioner prays:

1. An attorneys' lien be determined based upon the time for professional fees incurred and reimbursement of expenses advanced on behalf of Plaintiff in the amount of \$18,768.61;

2. The lodestar for work performed is \$16,295.50;

3. The expenses advanced on behalf of Plaintiff are \$1,500.00;

4. Miscellaneous expenses including fax, printing, copying, postage, telephone, medical records, experts and Federal Express in the amount of \$973.11. The cost breakdown is attached as Exhibit A;

5. The Court order that Petitioner be entitled to enforce an attorneys' lien against the proceeds to be derived from any settlement or judgment in this action;

6. The Claims Administrator be prohibited from paying to the Plaintiff any sums of money until this attorneys' lien has been satisfied; and

7. For such other further relief as this Court deems just and proper.

Dated: February 26, 2019

Respectfully submitted,

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

By: /s/ Wendy R. Fleishman

Wendy R. Fleishman (WF3017)  
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**CERTIFICATE OF SERVICE**

I CERTIFY that the above has been filed with the Clerk of Court's EF/ECM system, which will provide service to all parties designated to receive service this February 26, 2019.

/s/ Wendy R. Fleishman

Wendy R. Fleishman  
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# EXHIBIT A

**LIEFF CABRASER HEIMANN & BERNSTEIN, LLP**

Report created on 11/07/2018 10:26:01 AM

Current =	11/01/18	To	11/07/18
Matter-to-Date =	Inception	To	Present

**NFL HEAD INJURY - SMITH, FERNANDO****Matter Number: 3554-0054****Soft Costs Incurred**

	<u>Current</u>	<u>Matter-to-Date</u>
Fax	\$0.00	\$15.00
In-House Copies	\$0.00	\$526.00
Postage	\$0.00	\$45.10
Print	\$0.00	\$131.00
Telephone	\$0.00	\$102.34
 <b>Total Soft Costs:</b>	 <b>\$0.00</b>	 <b>\$819.44</b>

**Hard Costs Incurred**

	<u>Current</u>	<u>Matter-to-Date</u>
Experts/Consultants	\$0.00	\$1,500.00
Federal Express/Messenger	\$0.00	\$45.92
Medical Records	\$0.00	\$107.75
 <b>Total Hard Costs:</b>	 <b>\$0.00</b>	 <b>\$1,653.67</b>
<hr/> <b>Total Matter Costs:</b>	<hr/> <b>\$0.00</b>	<hr/> <b>\$2,473.11</b>
<b>Total Cost Receipts:</b>	<b>\$0.00</b>	<b>\$0.00</b>
<hr/> <b>Net Costs:</b>	<hr/> <b>\$0.00</b>	<hr/> <b>\$2,473.11</b>